

ESTTA Tracking number: **ESTTA544480**Filing date: **06/21/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	King Business Forms Corporation, d/b/a King Printing Solutions		
Entity	Corporation	Citizenship	Tennessee
Address	P.O. Box 1467 New Tazewell, TN 37824 UNITED STATES		

Attorney information	Brent E. Routman Merchant & Gould, P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES broutman@merchantgould.com Phone:612.336.4619
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**Registration Subject to Cancellation**

Registration No	3950514	Registration date	04/26/2011
Registrant	King Printing Company, Inc. 181 Industrial Ave. East Lowell, MA 01852 UNITED STATES		

**Goods/Services Subject to Cancellation**Class 040. First Use: 1978/06/00 First Use In Commerce: 1978/06/00  
All goods and services in the class are cancelled, namely: Printing; bookbinding**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	2033773	Application Date	02/15/1996
Registration Date	01/28/1997	Foreign Priority Date	NONE
Word Mark	KINGGUARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1996/01/18 First Use In Commerce: 1996/01/18 blank, printed and partially printed forms and labels		

U.S. Registration No.	3133721	Application Date	08/08/2003
Registration Date	08/22/2006	Foreign Priority Date	NONE
Word Mark	KING BUSINESS SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 2003/09/02 First Use In Commerce: 2003/09/02 custom printing of business forms, mailers and labels		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	King Business Forms Corporation		
Goods/Services	Printing services; Custom printing of business forms, mailers and labels; blank, printed and partially printed forms and labels		

Attachments	Petition to Cancel KING PRINTING.pdf(112576 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/ber/
Name	Brent E. Routman
Date	06/21/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

King Business Forms Corporation,	)	
d/b/a King Printing Solutions	)	
	)	
Petitioner	)	Cancellation No. _____
	)	
vs.	)	Mark: KING PRINTING COMPANY, INC.
	)	
King Printing Company, Inc.	)	
	)	Reg. No. 3,950,514
Registrant	)	
	)	

**PETITION TO CANCEL**

King Business Forms Corporation, d/b/a King Printing Solutions, a corporation organized in the State of Tennessee, having its principal place of business at P.O. Box 1467 New Tazewell, Tennessee 37824 (hereinafter referred to as “Petitioner”), believes that it is, or will be, damaged by the continued existence of Registration No. 3,950,514 for the mark KING PRINTING COMPANY, INC. owned by King Printing Company, Inc. (hereinafter referred to as “Registrant”), and hereby petitions to cancel said registration. The grounds for cancellation are as follows:

1. Petitioner, King Business Forms Corporation, d/b/a King Printing Solutions is a corporation, duly organized and existing under the laws of the State of Tennessee, and doing business at P.O. Box 1467 New Tazewell, Tennessee 37824.
2. Upon information and belief, King Printing Company, Inc., is a corporation organized and existing under the laws of the State of Massachusetts, and doing business at 181 Industrial Ave. East Lowell, Massachusetts.
3. Registrant has obtained a registration on the Principal Register for the mark KING PRINTING COMPANY, INC., Registration No. 3,950,514, for “Printing; bookbinding” alleged to have been filed on August 18, 2010.

4. Registrant has disclaimed all wording other than the term KING in Registration No. 3,950,514, namely, the wording PRINTING COMPANY, INC.

5. Since at least as early as 1972, Petitioner, or its predecessors in interest, has used the trademark KING, or trade names or trademarks incorporating the mark KING, continuously.

6. Petitioner is the owner of two federal registrations incorporating the term KING for printing-related goods and services, including, KING BUSINESS SOLUTIONS, Reg. No. 3133721, KINGGUARD, Reg. No. 2033773. On December 9, 2011, Petitioner filed an application for the mark KING PRINTING SOLUTIONS bearing Serial No. 85,491,497.

7. The Registrant's stated date of first use of the its mark as shown in the registration is June 1978, six years after the date the Petitioner first used its mark or trade name KING .

**FIRST CLAIM FOR RELIEF**  
**(Likelihood of Causing Confusion, Mistake, or Deceiving With A Mark Previously Used in the United States by Another and Not Abandoned)**

7. Petitioner repeats and realleges the allegations contained in preceding paragraphs 1-6, inclusive, as if fully set forth herein.

8. The mark shown in the registration sought to be cancelled so resembles the Petitioner's mark KING and its mark incorporating the term KING, namely, KING BUSINESS SOLUTIONS, when used or in connection with the goods and services identified in the registration sought to be cancelled, to cause confusion, to cause mistake, or to deceive, and Registrant's marks is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d), as amended.

9. Petitioner will be damaged by the continued registration of the mark shown in the registration sought to be cancelled because continued registration will give Registrant prima facie evidence of the validity of its confusingly similar mark and the exclusive nationwide right to use its confusingly similar mark in commerce in connection with the goods identified in the registration sought to be cancelled, in derogation of Petitioner's rights in its "KING" marks.

**SECOND CLAIM FOR RELIEF**  
**(Likelihood of Causing Confusion, Mistake, or Deceiving With Registered Trademarks)**

10. Petitioner repeats and realleges the allegations contained in preceding paragraphs 1-9, inclusive, as if fully set forth herein.

11. The mark shown in the registration sought to be cancelled so resembles the mark shown in Reg. Nos. 3133721 and 2033773 as to be likely, when used on or in connection with the goods identified in the registration sought to be cancelled, to cause confusion, to cause mistake, or to deceive, and Registrant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d), as amended.

12. Petitioner will be damaged by the registration of the mark shown in the Registrant's registration because continued registration will give Applicant prima facie evidence of the validity of its confusingly similar mark and the exclusive nationwide right to use its confusingly similar mark in commerce in connection with the goods identified in the registration sought to be cancelled, in derogation of Petitioner's rights in its registered marks.

WHEREFORE, King Business Forms Corporation, d/b/a King Printing Solutions asks that its petition to cancel the registration to be sustained and that the registration of the Registrant's mark be cancelled.

Please charge the filing fees for this application to Deposit Account No. 13-2725 and direct all correspondence and communications to the undersigned.

Respectfully submitted,

King Business Forms Corporation, d/b/a King Printing Solutions

By its Attorney(s),

Merchant & Gould, P.C.  
P.O. Box 2910  
Minneapolis, Minnesota 55402-0910  
Telephone: (612) 332-5200

Dated: June 21, 2013

By:                     /ber/                      
Brent E. Routman

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PETITION TO CANCEL was served upon the Registrant, King Printing Company, Inc., by mailing a copy of the Petition to Cancel to the Registrant at 181 Industrial Ave. East Lowell, Massachusetts and to its counsel Charles E. Weinstein, Foley Hoag LLP, Seaport West 155 Seaport Boulevard, Boston, Massachusetts 02210-2600, via First Class mail prepaid this 21<sup>st</sup> day of June 2013.

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